

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Joseph Fennell,	)	C/A No. 4:09-3051-JFA-TER
	)	
Plaintiff,	)	
v.	)	ORDER
	)	
Commissioner of Social Security,	)	
	)	
Defendant.	)	
_____	)	

The plaintiff, Joseph Fennell, has brought an action pursuant to 42 U.S.C. § 405(g) to obtain judicial review of a final decision of the Commissioner of Social Security. He has also motioned the court to proceed *in forma pauperis* or without payment of the court's \$350 filing fee.

The Magistrate Judge assigned to this action<sup>1</sup> has prepared a Report and Recommendation wherein he suggests that the motion should be denied because plaintiff cannot establish that he is financially unable to pay the filing fee or that he is impoverished. The Magistrate Judge provides a detailed discussion of the plaintiff's application to proceed *in forma pauperis*, the answers provided by the plaintiff to the court's special interrogatories, and the standards of law which this court incorporates without a recitation.

The plaintiff was advised of his right to submit objections to the Report and Recommendation which was filed on February 2, 2010. However, as of the date of this

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<sup>1</sup> The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

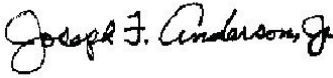
order, plaintiff has failed to file timely objections.

After a careful review of the record and the Report and Recommendation, the court finds that the Magistrate Judge's conclusions are proper and are hereby incorporated herein by reference. Accordingly, the plaintiff's motion to proceed *in forma pauperis* is denied.

Plaintiff shall have thirty (30) days from the date of this order to pay the filing fee or this action will be dismissed for lack of prosecution.

IT IS SO ORDERED.

February 23, 2010  
Columbia, South Carolina

  
Joseph F. Anderson, Jr.  
United States District Judge